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April 19, 2007

Open Letter to Shari Kolak
Environmental Protection Agency
kolak.shari@epa.gov

Dear Shari:

In my April 16 e-mail I proposed a meeting to discuss some of our differences regarding the PCB issue in Kalamazoo. You don't seem available for such a meeting, but there is a lot to be said, so I want to summarize a few points that I feel deserve further examination.

First of all, there are no liners beneath the PCBs at the Allied Landfill. Apparently these did not seem needed for the initial transfer of PCBs in 1999. The excuse was that the contaminated soil would later be transferred elsewhere and that an impermeable clay surface beneath the sediment would meanwhile provide a sufficient barrier to protect the Kalamazoo water supply. Now we are told the proposed 132,000 cubic yards of sediment newly added to the site would augment the deposit by less than 12 percent, so no extra steps would be needed to prevent seepage. It has even been suggested that the earlier sediment is now sufficiently compressed to reinforce the clay soil in providing an adequate barrier to protect the city's underground water supply. It is important to recognize, however, that no matter how much compression has taken place since 1999, the addition of new PCBs piled 40 feet high necessarily compounds both toxicity and the effects of load pressure over an extended period of time.

Also, to the extent that compression is effective in preventing seepage, a greater runoff can be expected into the Portage Creek, producing an entirely new set of difficulties nearby.

Significantly, the Allied Landfill site is not licensed for hazardous wastes with a toxic concentration higher than 200 parts per million (ppm). Some argue that some of the PCB-laden sediment that will be dumped at the Allied Landfill site has a concentration as high or higher than 200 ppm; others argue as low as 50 ppm. This difference in estimates is substantial, important enough that better information is needed based on a thorough measurement of the sediments both before and

after their removal from the river bed.. Also needed would be adequate soil profiles and geotechnical data to calculate the relative permeability of the entire stratification from the 40-foot mound all the way down to the aquifer of potable water accessible to city pumps.

Moreover, the insistence that the recent discovery of dangerous "hot spots" downstream necessitates an immediate remedy begs the question in light of your scientific and technical expertise whether similar difficulties would be just as possible once the PCBs have been transported to Kalamazoo. If there was a major lapse in monitoring PCBs downstream despite the EPA's advanced detection skills, what prevents the same thing from happening again a few years from now in the middle of a large urban area?

One also wonders what is going to be done with the rest of the PCBs in the Kalamazoo River watershed if only two percent of the problem has yet been confronted. No comprehensive plan has been presented for the river, only the assurance that no more PCBs would be added to the Allied Paper site after the upcoming transfer. This, however, raises the question what other sites would be used instead. Moreover, it would seem appropriate for the PCBs now destined for the Allied Paper site to be diverted to these alternative sites in the first place. Wouldn't this be the better and more economical choice? Current possibilities include the already licensed landfills in Three Rivers and Zeeland as well as the licensed sites outside Kalamazoo that have been offered by BFI.

Also, why the rush? If the hot spots have been getting worse over an extended period of time, and if two whole years could be spent negotiating their transfer to the Allied Paper Landfill, why is there such compelling haste to begin the task within the next couple of weeks? Why the need for a "time-critical removal action" after extended delays and without adequate public notification? This seems a blatant attempt to bypass community input despite the requirement of Superfund law that such input be guaranteed.

The most likely explanation for this haste is that Georgia Pacific and Millenium Holdings (the two so-called called PRPs involved) want to eliminate the problem as soon as possible. As you yourself have assured me, these PRPs are eager to complete the project in the near future. But why? The first answer that suggests itself aside from the supposedly imminent threat of hot spots is that these PRPs want to complete the task during the final 21 months of a business-friendly Republican White House. Better a "cheap" arrangement today than a far more expensive plan later on. For should a Democrat be elected our nation's next President, as seems likely, the EPA, whether directly or indirectly responsible to the White House, can be expected to take a more cautious and public-oriented approach that is also likely to be more expensive.

Two years from now the very idea of transporting toxic-level PCBs from contaminated downstream river beds to an unlicensed dumpsite in the center of an urban area with a 100,000 population can be expected to be held in contempt at every level of government in Washington. And appropriately so. Of course bottom-line corporate profits cannot be neglected, but not to the extent that an entire city can be put in

risk.

Again, it was extremely useful talking with you, and I do commend your courage in confronting a skeptical audience (myself included) last Thursday in Kalamazoo. Feel free to contact me if you want to discuss the issue further.

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